

Exhibit A

From: Meyer, Nicholas <Nmeyer@mwe.com>
Sent: Wednesday, December 13, 2023 6:09 PM
To: Ditlow, Lindsay; Monica Hincken
Cc: David Gottlieb; Christina Sabato
Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL
Attachments: Joint Position Statement re ESI (Draft).docx; ESI Protocol - Wigdor Edits (Color Coded).pdf

Monica,

In connection with Lindsay's email below, please find Defendants' position statement attached, incorporated into the version that you sent earlier this afternoon. We are also attaching an updated color-coded PDF document, which should be attached as Exhibit B to the joint position statement.

Thank you,
Nick

NICHOLAS MEYER
Associate
McDermott Will & Emery LLP One Vanderbilt Avenue, New York, NY 10017-3852
Tel +1 929 566 8358 **Email** nmeyer@mwe.com
Website | [vCard](#) | [LinkedIn](#)

From: Ditlow, Lindsay <Lditlow@mwe.com>
Sent: Wednesday, December 13, 2023 6:06 PM
To: Monica Hincken <mhincken@wigdorlaw.com>; Meyer, Nicholas <Nmeyer@mwe.com>
Cc: David Gottlieb <dgottlieb@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>
Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

Monica, we do not consent. We are sending our portion momentarily. We have not edited your portion or in any way provided any edits that would cause a need for further revisions by you and the document should be ready for filing within short order after receiving our added portion. However, to the extent you have edits to your portion you would like us to review this evening, we are able to do so.

LINDSAY DITLOW
Partner
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Tel +1 212 547 5425 **Email** lditlow@mwe.com
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From: Monica Hincken <mhincken@wigdorlaw.com>
Sent: Wednesday, December 13, 2023 6:00 PM
To: Meyer, Nicholas <Nmeyer@mwe.com>; Ditlow, Lindsay <Lditlow@mwe.com>
Cc: David Gottlieb <dgottlieb@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>
Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

[External Email]

Hi Nick,

Given that it is currently 6 pm and we have not received your portion of the joint letter, we are going to seek an extension to file the letter by the end of this week. At this point, even if you send your portion now, there will not be enough time for us to review, provide necessary edits, send the edits back to you, and ultimately allow both parties to sign off on the letter, and then finalize and file the letter. Please let us know if you consent.

Best,
Monica

From: Monica Hincken
Sent: Wednesday, December 13, 2023 5:38 PM
To: Meyer, Nicholas <Nmeyer@mwe.com>; Ditlow, Lindsay <Lditlow@mwe.com>
Cc: David Gottlieb <dgottlieb@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>
Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

Hi Nick,

Just following up on this. Please let me know when you intend to send your portion of the joint letter.

Best,
Monica

From: Monica Hincken
Sent: Wednesday, December 13, 2023 12:41 PM
To: Meyer, Nicholas <Nmeyer@mwe.com>; Ditlow, Lindsay <Lditlow@mwe.com>
Cc: David Gottlieb <dgottlieb@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>
Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

Hi Nick,

Please see attached. Given that it's on our letterhead, we can handle the filing. Our position with respect to the protocol itself has not changed.

Best,
Monica

From: Meyer, Nicholas <Nmeyer@mwe.com>
Sent: Wednesday, December 13, 2023 10:20 AM
To: Monica Hincken <mhincken@wigdorlaw.com>; Ditlow, Lindsay <Lditlow@mwe.com>
Cc: David Gottlieb <dgottlieb@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>
Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

Hi Monica,

We filed our separate letter regarding our discovery extension requests this morning, so the only information that we intend to include within our joint submission is material relating to the ESI search terms.

To this end, we are attaching our final proposal for ESI search terms to this email. To simplify your review, we are also attaching a color-coded version of your most recent proposal to visually represent the outstanding disagreements. The color scheme is as follows:

- Search terms in **green** are those that we consent to.

- Search terms in **orange** are those that we consent to, to the extent that reasonable search term connectors are applied.
- Search terms struck through in **red** are those that we do not consent to.

We have proposed what we believe to be reasonable search term connectors for the terms highlighted in orange. To the extent that you continue to disagree with applying search term connectors to those terms, we can address our disagreement on this issue in our joint submission to the Court.

In terms of logistics, will you be circulating the form for a joint submission letter? If so, you can send the form to us along with Plaintiff's portion of the letter, and we can then add our portion to the letter and handle the filing of the joint submission letter to the Court this afternoon. If there is an alternative arrangement that you feel would work better, please let us know your proposal.

Best,
Nick

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From: Monica Hincken <mhincken@wigdorlaw.com>
Sent: Tuesday, December 12, 2023 7:27 PM
To: Meyer, Nicholas <Nmeyer@mwe.com>; Ditlow, Lindsay <Lditlow@mwe.com>
Cc: David Gottlieb <dgottlieb@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>
Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

[External Email]

Lindsay and Nick,

During our conversation, I believe that you indicated that you may file a separate letter to the Court in addition to or in place of the joint submission. Please let me know how you intend to proceed so that we can ensure a smooth filing tomorrow. Thank you.

Best,
Monica

From: Monica Hincken
Sent: Monday, December 11, 2023 3:02 PM
To: Meyer, Nicholas <Nmeyer@mwe.com>; Ditlow, Lindsay <Lditlow@mwe.com>
Cc: David Gottlieb <dgottlieb@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>
Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

Hi Lindsay and Nick,

Per the follow-up meet and confer this afternoon, I am attaching our revised ESI protocol as discussed. Please let me know if you would like to discuss further.

Best,
Monica

From: Meyer, Nicholas <Nmeyer@mwe.com>
Sent: Wednesday, December 6, 2023 1:14 PM
To: Monica Hincken <mhincken@wigdorlaw.com>; David Gottlieb <dgottlieb@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>
Cc: Ditlow, Lindsay <Lditlow@mwe.com>
Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

Hi Monica,

Lindsay and I have limited availability this week, but I will circulate an invitation for 1pm on Friday for now. Please just reach out to us on Friday if you will have any issues with meeting at that time.

Best,
Nick

NICHOLAS MEYER
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From: Monica Hincken <mhincken@wigdorlaw.com>
Sent: Wednesday, December 6, 2023 9:12 AM
To: Meyer, Nicholas <Nmeyer@mwe.com>
Cc: David Gottlieb <dgottlieb@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>; Ditlow, Lindsay <Lditlow@mwe.com>
Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

[External Email]

Hi Nick,

I have a deposition on Friday that I believe should be over by lunch so let's plan to speak at 1 pm, but in the event that it goes longer than expected, do you have a later option as well?

Thanks,
Monica

From: Meyer, Nicholas <Nmeyer@mwe.com>
Sent: Tuesday, December 5, 2023 9:31 PM
To: Monica Hincken <mhincken@wigdorlaw.com>
Cc: David Gottlieb <dgottlieb@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>; Ditlow, Lindsay <Lditlow@mwe.com>
Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

Thank you, Monica. We are confirming receipt.

We are available to meet and confer on Friday any time between 11:30am and 1:30pm. Please let us know if that time works for you and we can send along the dial-in details.

Best,
Nick

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From: Monica Hincken <mhincken@wigdorlaw.com>

Sent: Tuesday, December 5, 2023 7:24 PM

To: Meyer, Nicholas <Nmeyer@mwe.com>; David Gottlieb <dgottlieb@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>

Cc: Ditlow, Lindsay <Lditlow@mwe.com>

Subject: RE: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

[External Email]

Counsel,

Please see our edits attached and let us know when you are available to meet and confer per the Court's order.

Best,

Monica

From: Meyer, Nicholas <Nmeyer@mwe.com>

Sent: Thursday, November 30, 2023 2:33 PM

To: David Gottlieb <dgottlieb@wigdorlaw.com>; Monica Hincken <mhincken@wigdorlaw.com>; Christina Sabato <csabato@wigdorlaw.com>

Cc: Ditlow, Lindsay <Lditlow@mwe.com>

Subject: Hafizov v. BDO USA, LLP, et al; Case No.: 1:22-cv-08853-JPC-RWL

Counsel,

In accordance with Judge Lehrburger's November 21 Order, please see attached.

Best,

Nick

NICHOLAS MEYER

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